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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,470	03/28/2001	Mark E. Poole	sfi-1	9560

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EXAMINER	
DUNWOODY, AARON M	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/818,470	Applicant(s) POOLE, MARK E.	
	Examiner Aaron M Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *5* is/are allowed.

6)☒ Claim(s) *1-4 and 6* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 September 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

In view of the appeal brief filed on 7/3/03, PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wire rod carried within the tube cavity as applied to claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rej ctions - 35 USC § 102

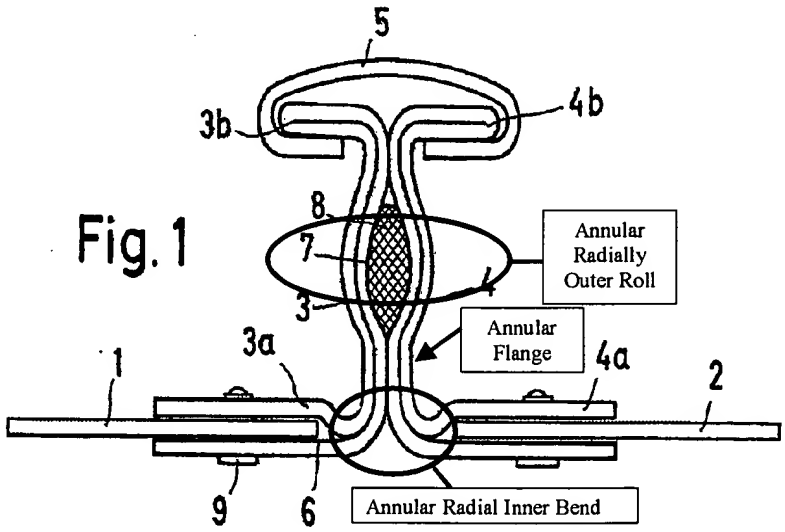
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by DT 1212356.

In regards to claim 1, in Figure 1 below, DT 1212356 discloses an apparatus for connecting and sealing duct sections, the apparatus comprising:

Fig. 1



(A) first and second connectors (3, 4), each connector comprising:

(a) a tubular member (3a, 4a);

(b) an annular flange, extending radially outwardly from an outer end of the tubular member; and

(c) a rolled edge, comprising:

(i) an annular radially inner bend, attached to the outer perimeter of the annular flange;

(ii) an annular radially outer roll, adjacent to the radially inner bend;

(iii) an annular rounded perimeter (3b, 4b), adjacent to the annular radially outer roll and at the outer perimeter of the annular flange, the annular rounded perimeter is rounded inwardly, toward the outer end of the tubular member; and

(iv) whereby a tube cavity is defined within the annular radially outer roll and annular rounded perimeter (minute clearance between the two elements);

(B) whereby an excess duct sealer trough (7) is defined between rolled edges of the first and second connectors; and

(C) a plurality of fasteners (5) connecting the annular flange of the first connector to the annular flange of the second connector.

In regards to claim 2, DT 1212356 discloses a gasket (8), carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector.

In regards to claim 4, DT 1212356 discloses a duct sealer (8), carried firstly between the annular flange of the first connector and the annular flange of the second connector.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent 5983496, Hermanson.

In regards to claim 1, in Figure 4, Hermanson discloses an apparatus for connecting and sealing duct sections, the apparatus comprising:

(A) first and second connectors (4), each connector comprising:

(a) a tubular member (3);

(b) an annular flange, extending radially outwardly from an outer end of the tubular member; and

(c) a rolled edge, comprising:

(i) an annular radially inner bend, attached to the outer perimeter of the annular flange;

(ii) an annular radially outer roll, adjacent to the radially inner bend;

(iii) an annular rounded perimeter, adjacent to the annular radially outer roll and at the outer perimeter of the annular flange, the annular rounded perimeter is rounded inwardly, toward the outer end of the tubular member; and

(iv) whereby a tube cavity is defined within the annular radially outer roll and annular rounded perimeter;

(B) whereby an excess duct sealer trough is defined between rolled edges of the first and second connectors; and

(C) a plurality of fasteners connecting the annular flange of the first connector to the annular flange of the second connector.

In regards to claim 2, Hermanson discloses a gasket (8), carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector.

In regards to claim 4, Hermanson discloses a duct sealer (8), carried firstly between the annular flange of the first connector and the annular flange of the second connector.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over DT 1212356 in view US patent 4913472, Janakirama-Rao.

In regards to claim 3, DT 1212356 discloses the claimed invention for a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors. Janakirama-Rao teaches a duct sealer (6), carried firstly between the first side surface of the gasket (10)

and the outer annular surface of the annular flange of the first connector (1), and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector (2), and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors "to make a leak-proof seal" (column 4, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a duct sealer carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors to make a leak-proof seal, as taught by Janakirama-Rao.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hermanson in view Janakirama-Rao.

In regards to claim 3, Hermanson discloses the claimed invention for a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors. Janakirama-Rao teaches a duct sealer (6), carried firstly between the first side surface of the gasket (10)

and the outer annular surface of the annular flange of the first connector (1), and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector (2), and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors "to make a leak-proof seal" (column 4, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a duct sealer carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors to make a leak-proof seal, as taught by Janakirama-Rao.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hermanson in view of US patent 5016925, Davis.

In regards to claim 6, Hermanson discloses the claimed invention except for an o-ring channel defined on an outer surface of the tubular member. Davis teaches an o-ring channel (between 13 and 12a) defined on an outer surface of the tubular member (12) to provide an acceptable water-tight seal (col. 1, lines 43-46). As Davis relates to the coupling of pipe sections that can be mechanically applied, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

fabricate an o-ring channel defined on an outer surface of the tubular member to provide an acceptable water-tight seal, as taught by Davis.

Allowable Subject Matter

Claim 5 is allowed.

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose a wire rod carried within the tube cavity.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd

Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670